



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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**ORIGINAL**

Martin O'Malley  
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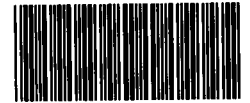
Shari T. Wilson  
Secretary

Anthony G. Brown  
Lieutenant Governor

May 11, 2007

Robert M. Summers, Ph.D.  
Deputy Secretary

David S. Meiskin, Managing Member  
Herron 393, LLC  
Pond Road Center  
4345 Route 9, Suite 28  
Freehold, New Jersey 07728



SDMS DocID 2210621

Re: Voluntary Cleanup Program Application  
Herron Area 1 through 4 Properties  
Elkton, Maryland 21921

Dear Mr. Meiskin:

The Voluntary Cleanup Program ("VCP") of the Maryland Department of the Environment ("Department") has reviewed documents submitted on April 12, 2007, for the Herron Farm property located on Zeitler Road in Elkton, Cecil County, Maryland. Please submit written responses to the enclosed comments so that an evaluation of the application package and the proposed environmental assessment can be completed by the VCP. The requested information must be accompanied by another statement of certification as found in Section XIV of the application.

If you have any questions regarding the enclosed comments or other aspects of the program, please contact Irena Rybak, the project manager, or me at 410-537-3493.

Sincerely,

James W. Metz, Chief  
Voluntary Cleanup/Brownfields Division

JWM:ir  
Enclosure

cc: James B. Witkin, Esq., Linowes and Blocher LLP  
Ms. Lorie Baker, EPA  
Mr. Horacio Tablada  
Mr. James R. Carroll  
Ms. Irena Rybak



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## **Voluntary Cleanup Program**

### **HERRON AREAS 1 through 4 Herron Farm, Zeitler Road Elkton, Cecil County, Maryland 21921**

#### **Comments on the Documents Submitted to VCP by the Applicant on April 12, 2007**

The VCP has completed a review of the following documents submitted by the applicant:

- 1) Work Plan Digital Geophysical Mapping and Munitions and Explosives of Concern Removal (Work Plan) prepared by Advent Environmental (ADVENT) dated March 2007,
- 2) Work Plan to Address Comments from the Department Regarding the VCP Applications for the Herron Farm, Elkton, Maryland prepared by Environmental Resources Management (ERM), dated April 10, 2007, and
- 3) Phase II Environmental Site Assessment Report for Herron Farm Unit 4, Elkton, Maryland revised by ERM on August 11, 2007.

The following are our comments on the submitted documents.

#### **Application – Title and Legal Description**

- 1) The VCP acknowledge that the title abstract for Herron Areas 1 through 4 will be submitted at later date.
- 2) The VCP acknowledge that the legal description of each property will be submitted at later date.

#### **Work Plan prepared by ADVENT**

- 1) The survey area, presented on Figures 2 and 4 in the Work Plan may not cover all the Munitions with the Greatest Fragmentation Distance (MGFD) 1095 feet radius area, excluding the 55-acre area investigated by the U.S. Environmental Protection Agency (EPA). Please add to Figure 2 the following boundaries: the property boundaries for each Herron Area (1 through 4), 55-acre area investigated by EPA, and the MGFD 1095 feet radius area.
- 2) Prior to implementing each phase of the investigation presented in the Work Plan, the applicant should wait for EPA approval of the work plan for this phase. A copy of the Work Plan was forwarded to EPA by the VCP on April 17, 2007.

## **Site Assessment – Soil and Groundwater Investigation and Removal of Containers**

### **1) Herron Area 1 - Item 2 and Area 2 - Response to VCP Comment No. 2**

In addition to soil and groundwater sampling proposed, a soil sample should be collected at the interval where the Munitions and Explosives of Concerns (MEC) survey indicates that MEC or related materials are present and the samples should be analyzed for the proposed contaminant of concern. A detailed sampling work plan, including a map with sampling locations, should be submitted to the VCP for approval after the MEC survey is completed. Groundwater investigation work plan should be submitted to the VCP after the soil sampling is completed and historical soil and groundwater data are reviewed by the applicant.

### **2) Herron Area 2 - Response to VCP Comment No. 5**

In addition to the proposed soil sampling, please collect one shallow soil sample along each wall, outside the chicken coop and dairy barn. Please analyze all soil samples for the chemicals of concern: nitroaromatic compounds, including trinitrotoluene and associated daughter compounds, perchlorate, arsenic, chromium, mercury, lead, and polychlorinated biphenyls (PCBs). Prior to sampling, please provide a detailed sampling work plan, including a map showing the location of the samples.

### **3) Herron Area 2 - Response to VCP Comment 6**

Please provide a work plan with a map showing the locations of drums and buckets, and explain how the materials in containers and the soil under and near containers will be characterized. Provide detailed procedures and time schedule for sampling, removal, and reporting.

### **4) Herron Area 2 - Response to VCP Comment No. 7**

Please collect a soil samples under the PCBs-containing transformer and analyze the sample for PCBs to prove that no leaking occurred and the soil under the transformer is not contaminated.

### **5) Herron Area 3 - Response to VCP Comment No. 1**

The Department will potentially be conducting an Expanded Site Investigation (ESI) at the 55-acres of Herron Area 3, at the end of the EPA removal. Representative samples of asbestos contaminated soil will be collected to document type and levels of asbestos on site; however, the delineation of asbestos in soil and groundwater will not be conducted. The ESI will focus on heavy metals, nitroaromatic compounds, volatile organic compounds, semi-volatile

organic compounds, and any substances the Department deems necessary based on the field findings during the removal. The ESI will include a toxicological evaluation based on future planned use of the property and a Hazard Ranking System scoring. The ESI report will be reviewed by EPA before it is released. Potential applicant input will be welcomed by the Department and a proposed work plan submitted by the applicant will be reviewed by the Department prior to the investigation.

6) Herron Area 3, Response to VCP Comment 5

Please provide a work plan with a map showing the locations of drums and buckets, and explain how the materials in containers and the soil under and near containers will be characterized. Provide detailed procedures and time schedule for sampling, removal, and reporting.

7) Herron Areas 1 through 3

The site assessment must follow the site assessment standards and principles established by American Society for Testing and Materials Standards 1527-05 and E1903-97 (2002). The applicant may submit detailed work plan for each site investigation and containers removal separately or combine all site investigations and containers removal phases into one Phase II work plan. The work plan should include the time schedule of sampling, containers removal, and reporting.